

U.S. Department of the Interior  
Bureau of Land Management  
White River Field Office  
220 E Market St  
Meeker, CO 81641

## CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-N05-2014-0110-CX

CASEFILE/PROJECT NUMBER: COC76620

PROJECT NAME: Use of Existing Abandoned Pipelines As Water Lines

LEGAL DESCRIPTION: Sixth Principal Meridian, Colorado

T. 3 N., R. 96 W.,  
sec. 30, lots 5 and 6.

T. 3 N., R. 97 W.,  
sec. 21, NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
sec. 22, NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
sec. 24, W $\frac{1}{2}$ SE $\frac{1}{4}$  and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
sec. 25, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

COC76620 Water Line

T. 3 N., R. 97 W.,  
sec. 21, NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
sec. 22, NW $\frac{1}{4}$ SW $\frac{1}{4}$ .

Temporary Surface Line

APPLICANT: Dschaak Consulting, LLC

DESCRIPTION OF PROPOSED ACTION: Dschaak Consulting (hereafter Dschaak) has submitted an application for use of existing, abandoned two-inch and six-inch pipelines as water lines. The pipeline right-of-way (ROW) COC54371, which crosses private and BLM lands, was previously authorized and abandoned by Anadarko Petroleum Corporation and was used for transporting produced water from the Pinyon Ridge Federal A-1W well to the Pinyon Ridge Federal C-1W disposal well (ROW COC66436). The existing buried pipeline right-of-way (both pipelines are buried in the same trench) across BLM lands is 6,850 ft long, 25 ft wide, and contains approximately 3.93 acres. Dschaak would use the existing two-inch and six-inch poly pipelines to transport freshwater for completing the Wiley 23-3-97-1 well and to transport produced water from that well to the Federal C1-W disposal well. The pipelines could also be used to transport freshwater from the Federal C1-W well pad to the Federal A-1W well pad for livestock and/or wildlife. If, in the future, a tank is needed for freshwater use, Dschaak would apply (at that time) for authorization to place a tank on the Federal A-1W well pad. There would

be no disturbance associated with use of the existing pipelines, since the pipelines are already in place. Dschaak has requested a 30 year term for the ROW.

**Temporary Surface Pipeline:** Dschaak would also install a three or four-inch surface poly line (if needed) within the same pipeline ROW from the Pinyon Ridge C-1W disposal well to the Endeavor Wiley 23-3-97-1 well. The surface line would transport fresh water for frac work during September and October 2014. The surface pipe would be rolled out and removed (rolled back up) after frac work is completed on the Wiley 23-3-97-1 well. The temporary surface line would be 2,010 ft long, 25 ft wide, and contain approximately 1.15 acres.

**PLAN CONFORMANCE REVIEW:** The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5-3, BLM 1601.08) the following plan:

**Name of Plan:** White River Record of Decision and Approved Resource Management Plan (ROD/RMP).

**Date Approved:** July 1, 1997

**Decision Number/Page:** Page 2-49

**Decision Language:** "To make public lands available for the siting of public and private facilities through the issuance of applicable land use authorizations, in a manner that provides for reasonable protection of other resource values."

**CATEGORICAL EXCLUSION REVIEW:** The Proposed Action qualifies as a categorical exclusion under 516 DM 11.9, E12: "*Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way*".

The Proposed Action has been reviewed with the list of extraordinary circumstances (43 CFR 46.215) described in the table below.

Extraordinary Circumstance	YES	NO
a) Have significant adverse effects on public health and safety.		X
b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.		X
c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		X
d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
e) Establish a precedent for future action or represent a decision in		X

Extraordinary Circumstance	YES	NO
principle about future actions with potentially significant environmental effects.		
f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
g) Have significant impacts on properties listed, or eligible for listing, in the National Register of Historic Places as determined by the bureau.		X
h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.		X
i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		X
j) Have a disproportionately high and adverse effect on low income or minority populations.		X
k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly affect the physical integrity of such sacred sites.		X
l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species.		X

#### INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on 7/22/2014. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists resource specialists who provided additional remarks concerning cultural resources and special status species.

Name	Title	Resource	Date
Michael Selle	Archaeologist	Cultural Resources, Native American Religious Concerns	8/27/2014
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	7/28/2014
Justina Thorsen	Ecologist	Special Status Plant Species	7/22/2014

#### REMARKS:

*Cultural Resources:* The proposed pipeline routes have been inventoried at the Class III level by all or portions of three inventory reports (Conner and Hutchins 1993, compliance dated 4/6/1993; Davenport 2012, compliance dated 10/1/2012; and Pope 1992, compliance dated 5/6/1992). There are no cultural resources identified within the proposed routes. A temporary surface line

within the existing disturbance of an existing buried line will not pose any additional threats to cultural resources in the vicinity. There are no known cultural resources within 1,000 feet (305 meters) of the proposed lines.

*Native American Religious Concerns:* No Native American religious concerns are known in the area, and none have been noted by Northern Ute Tribal authorities. Should recommended inventories or future consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken.

*Paleontological Resources:* The proposed pipeline is located in areas generally mapped as the Wasatch formation and the Fort Union formation (Tweto 1989). The Wasatch is classified by the BLM as a Potential Fossil Yield Classification (PFYC) 5 formation, while the Fort Union is a PFYC 3 formation. Both formations are known to produce fossils (c., Armstrong and Wolny 1989) but the Fort Union is still relatively poorly understood.

*Special Status Wildlife Species:* The project area is located in preliminary priority habitat (PPH) for the greater sage-grouse, a candidate for listing under the Endangered Species Act (ESA), and a BLM sensitive species. PPH represents areas having the highest conservation value in maintaining sustainable sage-grouse populations, including breeding, later brood-rearing, and winter concentration areas. There are two active leks within four miles of the project area. In general, approximately 80 percent of nesting takes place within four miles of a lek (Colorado Greater Sage-grouse Steering Committee 2008). Conversion of the abandoned line to a water line would not be expected to have any effective influence on greater sage-grouse or associated habitat. However, activities associated with installation of a surface line have the potential to disrupt breeding and nesting activities. Holloran (2005) showed that increased human presence during construction may displace sage-grouse into lower quality breeding habitat and could potentially disrupt breeding and nesting activities. The sage-grouse reproductive period (lekking, nesting, and brood-rearing) generally occurs between March 1 and July 15. As proposed, installation and removal of the surface line will take place in September and October and should effectively avoid the sage-grouse reproductive period. Should pipeline installation/removal timeframes be altered, they should avoid the reproductive timeframes so as not to disrupt breeding activities.

*Special Status Plant Species:* There are no known occurrences or potential habitat for special status plants within 600 meters of the Proposed Action. There are no special status plant species issues or concerns associated with the Proposed Action.

#### REFERENCES CITED:

- Armstrong, Harley J., and David G. Wolny  
1989 Paleontological Resources of Northwest Colorado: A Regional analysis. Museum of Western Colorado, Grand Junction, Colorado.
- Colorado Greater Sage-grouse Steering Committee. 2008. Colorado greater sage-grouse conservation plan. Colorado Division of Wildlife, Denver, Colorado, USA.

Conner, Carl E., and Rebecca L. Hutchins

- 1993 Cultural Resource Inventory Report for Two Alternate Proposed Gathering pipeline Routes Between Well Locations PR Fed. C-1 and PR Fed. A-1 in Rio Blanco County, Colorado, for Anadarko Petroleum Corporation. Grand River Institute, Grand Junction, Colorado. (93-11-01: OAH # RB.LM.NR669)

Davenport, Barbara

- 2012 Class III Cultural Resources Inventory for the Proposed Wiley 22-3-97-1

Holloran, M. J. 2005. Greater sage-grouse (*Centrocercus urophasianus*) population response to natural gas field development in western Wyoming. PhD Dissertation. University of Wyoming. Laramie, WY.

Pope, M. Clark

- 1992 Cultural Resource Inventory of Pinyon Ridge Federal #C-1 Well Pad and Access Road, Rio Blanco County, Colorado. Alpine Archaeological Consultants, Inc., Montrose, Colorado (92-83-02: OAH # RB.LM.R156)

Tweto, Ogden

- 1979 Geologic Map of Colorado. United States Geologic Survey, Department of the Interior, Reston, Virginia.

#### MITIGATION:

1. All applicable terms and conditions of right-of-way grant COC54371 shall be carried forward and remain in full force and effect.
2. The holder shall conduct all activities associated with the operation and termination of the right-of-way within the authorized limits of the right-of-way.
3. At least 90 days prior to termination of the right-of-way, the holder shall contact the Authorized Officer to arrange a joint inspection of the right-of-way. The inspection will result in the development of an acceptable termination and rehabilitation plan submitted by the holder. This plan shall include, but is not limited to, removal of facilities, drainage structures, and surface material; recontouring; topsoiling; or seeding. The Authorized Officer must approve the plan in writing prior to the holder's commencement of any termination activities.
4. The holder will be responsible for monitoring the right-of-way for occurrence of noxious weeds for the life of the project and appropriately treating weeds present. The holder will implement an integrated weed management plan according to BLM Manual 9015-Integrated Weed Management (BLM 1992). The weed management plan will include the submission of a Pesticide Use Proposal (PUP) to the BLM for the use of herbicides appropriate for control/eradication of the known noxious and invasive species along the proposed ROW including the species listed above. The PUP shall be filed in a timely manner such that weed

treatment can begin in the first growing season after construction. Each fall the holder must submit a Pesticide Application Report (PAR) listing all weed treatments that occurred in association with this project.

5. The holder shall notify the authorized officer at least 60 days prior to non-emergency activities that would cause surface disturbance in the right-of-way. A "Notice to Proceed" shall be required prior to any non-emergency activities that would cause surface disturbance on the right-of-way. Any request for a "Notice to Proceed" must be made to the authorized officer, who will review the Proposed Action for consistency with resource management concerns such as wildlife, big game winter range, paleontology, special status species, and cultural resource protection. The authorized officer may require the completion of special status species surveys or other resource surveys. Additional measures may be required to protect special status species or other resources.

6. Any proposal involving additional surface disturbance outside of the existing right-of-way disturbance requires an application to the BLM for analysis and authorization. New stipulations for construction would be applied to projects subject to the regulations and policies existing at the time of authorization.

7. In order to protect public land health standards for soils, erosion features such as rilling, gully, piping and mass wasting on the surface disturbance or adjacent to the surface disturbance as a result of this action will be addressed immediately after observation by contacting the AO and by submitting a plan to assure successful soil stabilization with BMPs to address erosion problems.

8. As a reasonable and prudent ROW holder acting in good faith, the holder will report all emissions or releases that may pose a risk of harm to human health or the environment, regardless of a substance's status as exempt or nonexempt and regardless of fault, to the BLM WRFO (970) 878-3800.

9. As a reasonable and prudent ROW holder, acting in good faith, the holder will provide for the immediate clean-up and testing of air, water (surface and/or ground), and soils contaminated by the emission or release of any substance that may pose a risk of harm to human health or the environment, regardless of that substance's status as exempt or non-exempt. Where the holder fails, refuses, or neglects to provide for the immediate clean-up and testing of air, water (surface and/or ground), and soils contaminated by the emission or release of any quantity of a substance that poses a risk of harm to human health or the environment, the BLM WRFO may take measures to clean-up and test air, water (surface and/or ground), and soils at the holder's expense. Such action will not relieve the holder of any liability or responsibility.

10. Where required by law or regulation to develop a plan for the prevention of releases or the recovery of a release of any substance that poses a risk of harm to human health or the environment, the holder will provide a current copy of said plan to the BLM WRFO.

11. Comply with all Federal, State and/or local laws, rules and regulations, including but not limited to onshore orders and notices to lessees, addressing the emission of and/or the handling, use, and release of any substance that poses a risk of harm to human health or the environment.

All spills or leakages of oil, gas, produced water, toxic liquids or waste materials, blowouts, fires, shall be reported by the operator in accordance with the regulations and as prescribed in applicable orders or notices.

12. Surface line installation or removal will not take place during the sage-grouse reproductive period of March 1 through July 15. Pipeline installation/removal will be permitted from July 16 through February 28.

COMPLIANCE PLAN: On-going compliance inspections and monitoring will be conducted by the BLM White River Field Office staff during and after construction. Specific mitigation developed in this document will be followed. The operator will be notified of compliance related issues in writing, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

NAME OF PREPARER: Stacey Burke

NAME OF ENVIRONMENTAL COORDINATOR: Heather Sauls

COMPLIANCE WITH NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E19. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

SIGNATURE OF AUTHORIZED OFFICIAL:



Field Manager

DATE SIGNED:

09/09/2014

ATTACHMENTS: Exhibit A – Maps of Proposed Action







# Temporary Surface Line From Endeavour's Wiley 23-3-97-1 Well To Dschaak's C-1W Disposal Well



**U.S. Department of the Interior  
Bureau of Land Management  
White River Field Office  
220 E Market St  
Meeker, CO 81641**

**DECISION RECORD**

**PROJECT NAME:** Use of Existing Abandoned Pipelines As Water Lines

**CATEGORICAL EXCLUSION NUMBER:** DOI-BLM-CO-N05-2014-0110-CX

**DECISION**

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-N05-2014-0110-CX, authorizing the construction, operation, and maintenance of existing buried pipelines as water lines.

**Mitigation Measures**

1. All applicable terms and conditions of right-of-way grant COC54371 shall be carried forward and remain in full force and effect.
2. The holder shall conduct all activities associated with the operation and termination of the right-of-way within the authorized limits of the right-of-way.
3. At least 90 days prior to termination of the right-of-way, the holder shall contact the Authorized Officer to arrange a joint inspection of the right-of-way. The inspection will result in the development of an acceptable termination and rehabilitation plan submitted by the holder. This plan shall include, but is not limited to, removal of facilities, drainage structures, and surface material; recontouring; topsoiling; or seeding. The Authorized Officer must approve the plan in writing prior to the holder's commencement of any termination activities.
4. The holder will be responsible for monitoring the right-of-way for occurrence of noxious weeds for the life of the project and appropriately treating weeds present. The holder will implement an integrated weed management plan according to BLM Manual 9015-Integrated Weed Management (BLM 1992). The weed management plan will include the submission of a Pesticide Use Proposal (PUP) to the BLM for the use of herbicides appropriate for control/eradication of the known noxious and invasive species along the proposed ROW including the species listed above. The PUP shall be filed in a timely manner such that weed treatment can begin in the first growing season after construction. Each fall the holder must submit a Pesticide Application Report (PAR) listing all weed treatments that occurred in association with this project.
5. The holder shall notify the authorized officer at least 60 days prior to non-emergency activities that would cause surface disturbance in the right-of-way. A "Notice to Proceed" shall be required prior to any non-emergency activities that would cause surface disturbance on the right-of-way. Any request for a "Notice to Proceed" must be made to the authorized officer, who will review

the Proposed Action for consistency with resource management concerns such as wildlife, big game winter range, paleontology, special status species, and cultural resource protection. The authorized officer may require the completion of special status species surveys or other resource surveys. Additional measures may be required to protect special status species or other resources.

6. Any proposal involving additional surface disturbance outside of the existing right-of-way disturbance requires an application to the BLM for analysis and authorization. New stipulations for construction would be applied to projects subject to the regulations and policies existing at the time of authorization.

7. In order to protect public land health standards for soils, erosion features such as rilling, gully, piping and mass wasting on the surface disturbance or adjacent to the surface disturbance as a result of this action will be addressed immediately after observation by contacting the AO and by submitting a plan to assure successful soil stabilization with BMPs to address erosion problems.

8. As a reasonable and prudent ROW holder acting in good faith, the holder will report all emissions or releases that may pose a risk of harm to human health or the environment, regardless of a substance's status as exempt or nonexempt and regardless of fault, to the BLM WRFO (970) 878-3800.

9. As a reasonable and prudent ROW holder, acting in good faith, the holder will provide for the immediate clean-up and testing of air, water (surface and/or ground), and soils contaminated by the emission or release of any substance that may pose a risk of harm to human health or the environment, regardless of that substance's status as exempt or non-exempt. Where the holder fails, refuses, or neglects to provide for the immediate clean-up and testing of air, water (surface and/or ground), and soils contaminated by the emission or release of any quantity of a substance that poses a risk of harm to human health or the environment, the BLM WRFO may take measures to clean-up and test air, water (surface and/or ground), and soils at the holder's expense. Such action will not relieve the holder of any liability or responsibility.

10. Where required by law or regulation to develop a plan for the prevention of releases or the recovery of a release of any substance that poses a risk of harm to human health or the environment, the holder will provide a current copy of said plan to the BLM WRFO.

11. Comply with all Federal, State and/or local laws, rules and regulations, including but not limited to onshore orders and notices to lessees, addressing the emission of and/or the handling, use, and release of any substance that poses a risk of harm to human health or the environment. All spills or leakages of oil, gas, produced water, toxic liquids or waste materials, blowouts, fires, shall be reported by the operator in accordance with the regulations and as prescribed in applicable orders or notices.

12. Surface line installation or removal will not take place during the sage-grouse reproductive period of March 1 through July 15. Pipeline installation/removal will be permitted from July 16 through February 28.



### **COMPLIANCE WITH LAWS & CONFORMANCE WITH THE LAND USE PLAN**

This decision is in compliance with the Endangered Species Act and the National Historic Preservation Act. It is also in conformance with the 1997 White River Record of Decision/Approved Resource Management Plan.

### **PUBLIC INVOLVEMENT**

The BLM informed the public about this project by listing it on the online WRFO NEPA Register on 7/31/2014 and a copy of the completed CX will be posted on the WRFO website.

### **RATIONALE**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E19. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply. Use of existing pipelines reduces surface disturbance necessary to complete the well.

### **ADMINISTRATIVE REMEDIES**

This decision shall take effect immediately upon the date it is signed by the Authorized Officer and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay (43 CFR 2801.10(b)). Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a Notice of Appeal must be filed in the office of the Authorized Officer at White River Field Office, 220 East Market St., Meeker, CO 81641 with copies sent to the Regional Solicitor, Rocky Mountain Region, 755 Parfet St., Suite 151, Lakewood, CO 80215, and to the Department of the Interior, Board of Land Appeals, 801 North Quincy St., MS300-QC, Arlington, VA, 22203. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals at the above address within 30 days after the Notice of Appeal is filed with the Authorized Officer.

**SIGNATURE OF AUTHORIZED OFFICIAL:**

  
Field Manager

**DATE SIGNED:**

09/09/2014